

Message Text

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ACTION EB-07

INFO OCT-01 EA-06 ISO-00 SS-15 L-03 H-02 CIAE-00 COME-00

DODE-00 DOTE-00 FMC-01 INR-07 NSAE-00 CG-00 OFA-01

DLOS-04 NSC-05 /052 W

----- 038795

R 250730Z JUN 75

FM AMEMBASSY CANBERRA

TO SECSTATE WASHDC 6030

INFO AMCONSUL BRISBANE

AMCONSUL MELBOURNE

AMCONSUL PERTH

AMCONSUL SYDNEY

C O N F I D E N T I A L CANBERRA 4161

EO 11652: GDS

TAGS: EWWT, AS, US

SUBJ: SHIPPING: TRADE PRACTICES ACT DISCRIMINATION AGAINST IN-
BOUND CONFERENCES

REF: (A) CANBERRA 3190 (B) CANBERRA 2945 (C) STATE 071922 (NOTAL)
(D) CANBERRA 1919 (E) CANBERRA 1682 (F) CANBERRA 1264

1. SUMMARY: NO PROGRESS EVIDENT IN GOA EFFORTS TO REMEDY ITS
TP ACT DRAFTING ERROR WHICH DISCRIMINATES AGAINST IN-BOUND
CONFERENCES. EMBASSY HAS REPEATEDLY STRESSED USG CONCERN OVER
PROBLEM AND DISMAY AT EXTENDED DELAY IN REMEDYING IT. ACTION
REQUESTED: (A) ADVICE ON WHETHER EMBASSY SHOULD MAKE HIGH LEVEL
REPRESENTATION TO DOT, WITH OR WITHOUT SUPPORTIVE AIDE-MEMOIRE;
(B) ASSURANCES THAT COMMENTS BY DOT OFFICIALS TO US ARE BEING
PROTECTED. END SUMMARY.

2. AS DEPARTMENT AWARE FROM REF A AND PREVIOUS, EMBASSY HAS BEEN
REGULARLY QUERYING J.H. ROWLAND, DEPT. OF TRANSPORT CANBERRA,
SINCE FEBRUARY REGARDING GOA STEPS TO RECTIFY DRAFTING ERROR IN
ITS NEW TRADE PRACTICES ACT WHICH CAUSES PART IV (RESTRICTIVE
TRADE PRACTICES) OF ACT TO APPLY TO IN-BOUND BUT NOT OUT-BOUND
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SHIPPING CONFERENCES. RECENTLY, IVAN GRIGOR HAS REPLACED ROWLAND

AS DOT OFFICIAL RESPONSIBLE FOR THIS PROBLEM.

3. UNFORTUNATELY, LATEST EMBASSY CONTACTS WITH GRIGOR REVEAL THAT THERE HAS APPARENTLY BEEN ZERO PROGRESS IN REMEDYING SITUATION DURING PAST TWO MONTHS OR SO. CABINET STILL HAS NOT APPROVED TRANSPORT MINISTER JONES' RECOMMENDATION THAT LEGISLATION AMENDING TP ACT BE PASSED TO DEAL SIMULTANEOUSLY WITH THIS PROBLEM AND WIT UNRELATED PROBLEM CONCERNING TANKER POLICY (REF B). CABINET MUST STILL APPROVE THIS RECOMMENDATION BEFORE DRAFTING OF AMENDING LEGISLATION CAN BEGIN. LEGISLATION MUST THEN BE SUBMITTED TO PARLIAMENT AND PASSED BY BOTH HOUSES. GRIGOR RELUCTANTLY ESTIMATES THAT THIS ENTIRE PROCESS (CABINET APPROVAL THROUGH ENACTMENT) WILL TAKE MINIMUM OF 5 MORE MONTHS. GRIGOR RATHER LAMELY CITES RECENT CABINET RESHUFFLE AS CAUSE FOR EXTENDED DELAY TO DATE.

4. EMBASSY OFFICER HAS REPEATEDLY STRESSED SERIOUS CONCERN WITH WHICH USG VIEWS THIS PROBLEM AND HIS PERSONAL DISMAY THAT NO PROGRESS TOWARD SOLUTION IS EVIDENT, DESPITE EARLIER ASSURANCES BY ROWLAND THAT MINISTER JONES SHARES OUR BELIEF THAT NEED FOR REMEDY OF THIS INADVERTENT DISCRIMINATION IS URGENT. DEPARTMENT WILL RECALL OUR EARLIER RECOMMENDATION (REF D) THAT USG NOT FORMALLY EXPRESS OUR CONCERN UNLESS GOA PROVES TO BE DILATORY IN REMEDYING SITUATION. REGRETTABLY, EMBASSY NOW CONCLUDES THAT JONES AND HIS CABINET COLLEAGUES WILL NOT FULLY APPRECIATE OUR CONCERN UNLESS WE EXPRESS IT MORE FORMALLY. EMBASSY THEREFORE RECOMMENDS THAT DEPARTMENT AUTHORIZE US TO MAKE HIGH LEVEL REPRESENTATIONS TO DOT TO REGISTER OUR CONCERN. WE ALSO RECOMMEND THAT AN AIDE-MEMOIRE DETAILING OUR EARLIER INFORMAL EXPRESSIONS OF CONCERN, THE APPREHENSIONS OF THE U.S. SHIPPING INDUSTRY AND OUR BELIEF THAT NEED IS URGENT FOR PROMPT REMEDY BE PRESENTED IN THE COURSE OF SUCH AN APPROACH.

5. DURING OUR LATEST CONTACTS WITH DOT, EMBASSY OFFICER HAS REFERRED TO HIS EARLIER CONVERSATIONS WITH ROWLAND. BOTH ROWLAND, WHO REMAINS DOT ASST. SECRETARY, AND GRIGOR HAVE BECOME SOMEWHAT JITTERY ABOUT USE TO WHICH USG MAY BE MAKING OF THEIR COMMENTS, WHICH HAVE ALWAYS BEEN AS FORTHCOMING AND HELPFUL AS POSSIBLE UNDER THE CIRCUMSTANCES. EMBASSY OFFICER HAS ASSURED GRIGOR THAT USG IS PROTECTING THEM AS SOURCE OF INFORMATION AND THAT CONFIDENTIAL

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THEIR ATTRIBUTED COMMENTS, WHICH ARE TREATED AS LIMITED OFFICIAL USE, ARE NOT BEING SHARED WITH OTHERS. EMBASSY WOULD APPRECIATE DEPARTMENT'S ASSURANCE THAT INFORMATION GIVEN US BY ROWLAND AND GRIGOR (PARTICULARLY THE FORMER, WHO HAS BEEN ESPECIALLY HELPFUL, IS NOT BEING ATTRIBUTED TO THEM IN ANY CONTACTS OF DEPARTMENT WITH INDUSTRY OR OTHER OUTSIDERS.

6. ACTION REQUESTED: PLEASE PROVIDE: (A) ADVICE ON WHETHER EMBASSY

SHOULD MAKE HIGH LEVEL OFFICIAL REPRESENTATIONS ON THIS MATTER
TO DOT, WITH OR WITHOUT SUPPORTIVE AIDE-MEMOIRE (PARA 4);
AND (B) ASSURANCE THAT WISHES OF ROWLAND AND GRIGOR THAT THEY BE
PROTECTED AS OUR SOURCES OF INFORMATION ARE BEING RESPECTED
IN WASHINGTON (PARA 5).
GREEN

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